

REMARKS

Interview Summary

On 07/06/04 the applicant engaged in a telephone interview with the examiner. In preparation for the interview, the applicant faxed the examiner remarks which are duplicated verbatim below. The telephone interview lasted only a few minutes wherein the examiner indicated that in view of the remarks the application would be allowed.

Claim Rejections - 35 USC §103

The examiner rejected claims 1-5,18-24, 37 and 38 under 35 USC §103(a) as unpatentable over Varian (5,392,289) in view of the examiner taking official notice. The examiner asserts that Varian discloses a pseudo-random sequence generator and encoder/decoder, and the examiner takes official notice that using a unique ID and hard disk drive in the manner recited in the claim is very well known in the art. The applicant respectfully disagrees.

Although Varian discloses a pseudo-random sequence generator (PN generator 800 in FIG. 2) and an encoder (randomizer 900 in FIG. 2) and decoder (derandomizer 900 in FIG. 3), Varian does not disclose or suggest to use these components in the manner taught by the applicant. In particular, Varian does not disclose to generate the pseudo-random sequence in response to a unique ID identifying the host (the digital video recorder). In contrast, Varian discloses to generate the pseudo-random sequence in response to a fixed vector (element 250 in FIG. 2) so that the pseudo-random sequence is the same across all hosts.

Further, Varian does not disclose or suggest to use the pseudo-random sequence to encode plaintext entries of a file system into encrypted file system entries stored on the hard disk drive. Referring to page 12, lines 10-16, of applicant's specification:

“Because the file system entries 10 are stored in encrypted form relative to the unique ID 4 assigned to the DVR 2, the encrypted video programs 8 stored on the HDD 6 cannot be decrypted by connecting the HDD 6 to another DVR or to a PC. In effect, the HDD 6 is married to the host circuitry 12 of the DVR 2 through the unique ID 4 which protects against unauthorized copying. In addition, the encrypted file system entries 10 are transparent to the operation of the HDD 6 so that any conventional HDD 6 may be employed without modification.”

Nothing in Varian discloses or suggests the above benefit, or any benefit related to encoding file system entries using a pseudo-random sequence.

The applicant does not agree with the examiner’s assertion that using a unique ID to generate a pseudo-random sequence for encoding file system entries is well known in the art. The applicant respectfully requests the examiner to identify a reference that discloses these limitations, or withdraw the rejections.

CONCLUSION

The examiner indicated during the telephone interview held on 07/06/04 that the application would be allowed in view of the foregoing remarks. The examiner is encouraged to contact the undersigned over the telephone in order to resolve any remaining issues that may prevent the immediate allowance of the present application.

Respectfully submitted,

Date: 7/9/04 By: Howard H. Sheerin
Howard H. Sheerin
Reg. No. 37,938
Tel. No. (303) 765-1689

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

7/9/04 Howard H. Sheerin
(Date) (Print Name)

Howard H. Sheerin
(Signature)